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IT cannot reasonably be expected that the Speech of this Worthy and Deserving Knight, nor the Lord Mayor's generous Reply thereunto, should be published exactly, since in so great a Concourse it was hardly possible to be taken; however least so considerable a Transaction should be altogether buried in silence, we have endeavoured to give as full an Account thereof, as could be done by strength of Memory, which we hope will therefore be kindly accepted instead of a more Correct Copy.

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An Impartial Account
 Of Divers
 Remarkable Proceedings
 The last Sessions of
PARLIAMENT
 Relating to the
Horrid Popish Plot, &c.



VIZ.

The Manner of Choosing their SPEAKERS.

The Speeches of divers worthy Members, relating to that.

The Vote of the House at large in Defence of the King, and the Protestant Religion.

The Articles of Impeachment against the Five Bishops in the Tower.

The Articles of Impeachment against *Thomas Earl of Danby*, and his Letter.

The Earl of *Danby's* Pardon in *Latin* and *English*, and his Plea.

The Reasons and Narrative of the Proceedings betwixt the two Houses of Parliament, concerning the Lords in the Tower, &c.

The Proceedings of the House of Lords, concerning the Lords in the Tower, and the Names of those Lords that Entered their Protest.

A Copy of the Bill relating to the Duke of *York*.

The Earl of *Shaftsburies* Speech in the House of Lords.

Mr. *Powel's* Speech concerning the Earl of *Danby*.

Mr. *Palme's* Report about the Temporary Laws.

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THE NATIONAL

13) Josef Langhoff (1850-1908)

The late Parliament being dissolved by his Majesties Proclamation, Writs were forthwith Issued out by his Majesties Command, for Electing New Members, to meet at Westminster, the 6th of Murch, 1678. And the Honourable House of Commons being met accordingly, Chose Mr. Seymour their Speaker, and Adjourned till next day in the Afternoon.

MARCH 7th. 1678.

THE Commons met about Three of the Clock in the Afternoon, and about Four, the Usher of the *Black Rod* came down with a Message for them to attend His Majesty in the House of Lords, where, they being come, His Majesty sitting in his Robes and Crown upon his Head, Mr. *Seymour* informed His Majesty, That he having been graciously pleased to give leave to the House of Commons to choose them a Speaker, they had unanimously pitcht upon him for their Speaker, and that he was willing to serve His Majesty and them to the utmost of his power; To which His Majesty made no Answer, but the Lord Chancellor stood up, and made a Speech to this effect.

That if His Majesty should alwayes accept a Person pitcht upon by the House of Commons, then it would be no great Favour to be Chosen a Speaker, and therefore His Majesty, as being the best Judge of Persons and Things, thought fit to except against Mr. *Seymour*, as being fitly qualified for other Services and Employments, without giving any Reason to the Persons Choosing, or the Person Chosen, and therefore ordered them to pitch upon some other Person by to Morrow Eleven of the Clock, to be presented to His Majesty for His Approbation.

The Commons immediately returned back to their own House; where Sir *John Earnly* stood up and acquainted them, he had Order from his Majesty to recommend Sir *Thomas Meers* unto them to be their Speaker, as a Person well known in the Method and Practice of Parliaments, and a Person that he thought would be very Acceptable and Serviceable to them.

The House in a Great Heat, cryed out, No, No.

Then stood up Mr. *Sacheverel*, and said, It was never known that a Person should be excepted against and no Reason at all given, and therefore concluded, That it was done on purpose to gratifie some particular Persons, for Mr. *Seymour* was a Man who performed the Service formerly without Complaint; And as he would not consent to the prejudice of one Hair of the Crown or Prerogative, so he will not infringe the Liberty of the People in parting with the least of their Just Rights.

Mr. *Williams*.

This seems to be a Question of Right; for above 100 years past, it hath not been known that any Speaker, presented to the Kings or Queens of *England*, were ever excepted against without some Reason given, or for some great Cause, and the thing in it self of presenting him to the King (as he humbly conceived) was but a bare Complement, and if we shall suffer this, we shall be put upon it daily; Let's Adjourn for the present.

Sir *Thomas Clarges*.

There were Parliaments long before there were Speakers chosen, and afterwards for the ease of the House among themselves they pitcht upon a Speaker: Besides, I can prove not long since, when Parliaments have Adjourned themselves *de die in diem*, for fourteen days together, without any Speaker among them, and the Clerk of the House always put the Word for Adjournment. — *Gentlemen*, All our Lives and Liberties are preserved by this House, and therefore we are to preserve the Liberties of it.

Mr. Garraway.

If you admit this, you will admit any thing : If Mr. Seymour be rejected from being Speaker, and no reason given, pray who must choole a Speaker, the King, or us? it's plain not us. I remember, when Popham was Speaker he was rejected, but the Reason was given, Because he had been wounded, and was sickly ; And another lately for not being able to endure by reason of disability of Body : but nothing of this can be objected against Mr. Seymour, he being an approved Person, by his Majesty the last Parliament.

Sir Thomas Lee.

I cannot forget how we addressed our selves to His Majesty the last Parliament, as fearing his Person to be in danger, by reason of the Plot, but we received no Answer at all in a whole Week, from Monday to Monday ; that we were immediately Prorogued unexpectedly, and a little after Dissolved as unexpectedly. And I suppose the same persons that gave that Advice, gave this also. To except against a Speaker without giving a Reason, is to do any thing that may set us together by the Ears, and then they have their designed Ends ; But I shall not consent to part with the least Right that belongs to my Country, for whom I am chosen a Representative.

Colonel Birch.

He that Advised this, will readily advise more I'll warrant you, this is only a Bone cast in among us ; I thought we could not have obliged his Majesty more than to pitch upon a Privy Counsellour to be Speaker of this House, and one in so great Favour with His Majesty, and in several great Offices and Employments under him : Besides, yesterday he was at White Hall, after we had chosen him Speaker, to acquaint his Majesty with it, and then his Majesty was very well pleased with the choice ; And for the Truth of this, I appeal to Mr. Seymour himself : But this ill Advice is given since, by some I fear, too near the King. I shall not touch upon Prerogative, but lets think upon Adjournment at present.

Mr. Pym.

This is an Ominous thing, to stumble at the Threshold before we are in the House ; but this Advice must proceed from some who are too near the King, and fearful we should agree : but I hope there is no Man here a Representative of his Country, that is fearful of Speaking his Mind boldly, in favour of those whom he Represents, nor yet afraid of being Dissolved, if it be to Morrow, for Maintaining the Right of those who Chose them to sit here for them. I will not invade Prerogative ; neither will I consent to the infringement of the least Liberty of my Country. But let us do nothing Hastily, but consider Presidents, and Adjourn our selves till to Morrow 9 a Clock : To which the whole House agreed.

Lucæ 24 Die Martij, 1678.

Resolved, *Nemine contra dicente,*

THAT this House doth declare, that they are fully satisfied by the Proofs they have heard, That there now is, and for divers Years last past hath been, a Horrid and Treasonable Plot and Conspiracy, Contrived and Carried on by those of the Popish Religion, for the Murthering of His Majesties sacred Person, and for Subverting the Protestant Religion, and the Antient and well established Government of this Kingdom.

The

Articles of Impeachment of High Treason, and other high Crimes and Offences, against William Earl of Powis, William Viscount Stafford, Henry Lord Arundel of Wardour, William Lord Petre, and John Lord Bellasis, now Prisoners in the Tower.

That for many years now last past, there hath been contriv'd and carryed on a Traiterous and Execrable Conspiracy and Plot within this Kingdom of *England*, and other places, to alter, change, and subvert the ancient Government and Laws of this Kingdom and Nation, and to suppress the true Religion therein established, and to extirpate and destroy the Professors thereof; which said Plot and Conspiracy was contrived and carryed on in divers places, and by several wayes and means, and by a great number of Persons of several Qualities and Degrees, who acted therein, and intended thereby to execute and accomplish the aforesaid Wicked and Traiterous Designs and Purposes.

That the said *William Earl of Powis, William Viscount Stafford, Henry Lord Arundel of Wardour, William Lord Petre, and John Lord Bellasis*, together with *Philip Howard*, commonly called Cardinal of *Norfolk*, *Thomas White*, alias *Whitebread*, commonly called Provincial of the *Jesuits* in *England*, *Richard Strange*, late Provincial of the *Jesuits* in *England*, *Vincent*, commonly called Provincial of the *Dominicans* in *England*, *James Corker*, commonly called President of the *Benedictines*, *Sir John Warner* alias *Clare*, Barronet, *William Harcourt*, *John Reines*, *Nicholas Blundel*, *Pole Edward Mico*, *Thomas Bedingsfield*, alias *Benifield*, *Bazill Langworth*, *Charles Peters*, *Richard Peters*, *John Conyers*, *Sir George Wakeman*, *John Fenwick*, *Dominick Kelly*, *Fitz-Gervalt*, *Evers*, *Sir Thomas Preston*, *William Lovell*, *Jesuits*, *Lord Baltimore*, *John Carrel*, *John Townley*, *Richard Langhorn*, *William Foggarty*, *Thomas Penny*, *Matthew Medburn*, *Edward Coleman*, *William Ireland*, *John Grove*, *Thomas Pickering*, *John Smith*, and divers others, *Jesuits*, *Priests* and *Fryars*, and other persons, as false Traytors to his Majesty and this Kingdom, within the time aforesaid have Trayterously consulted, contrived and acted to and for the accomplishing of the said wicked, pernicious and Trayterous Designs, and for that end did most wickedly and Trayterously agree, conspire and resolve to Imprison, depose, and murther his Sacred Majesty, and to deprive him of his Royal State, Crown, and Dignity, and by malicious and advised speaking, writing, and otherwise, declared such their Purposes and Intentions.

And also to subject this Kingdom and Nation to the *Pope* and his Tyrannical Government.

And to seize and share amongst themselves the Estates and Inheritances of his Majesty's *Protestant* Subjects.

And to erect and restore Abbies, Monasteries, and other Convents and Societies, which have been long since by the Laws of this Kingdom suppress for their Superstition and Idolatry, and to deliver up and restore to them the Lands and Possessions now invested in His Majesty and his Subjects by the Laws and Statutes of this Realm.

And also to Found and Erect new Monasteries and Convents, and to remove and deprive all *Protestant* Bishops and other Ecclesiastical Persons from their Offices, Benefices, and Preferments; and by this means to destroy His Majesties Person, extirpate the *Protestant* Religion, overthrow the Rights, Liberties, and Properties of all His Majesties good Subjects, subvert the lawful Government of this Kingdom, and subject the same to the Tyranny of the See of *Rome*.

That the said Conspirators and their Complices and Confederates trayterously had, and held, several Meetings, Assemblies, and Consultations, wherein it was contrived and designed amongst them what means should be used, and what Persons and Instruments should be employed to murder His Majesty; and did then and there resolve to effect it by poysoning, shooting, stabbing, or some such-like ways and means; and offered Rewards and Promises of Advantage to several Persons to execute the same, and hired and employed several wicked Persons to go to *Windso*r and other places where His Majesty did reside, to murder and destroy His Majesty: which said Persons, or some of them, accepted such Rewards, and undertook the perpetrating thereof, and did actually go to the said places for that end and purpose.

That the said Conspirators, the better to compass their Trayterous Designs, have consulted to raise, and have procured and raised Men, Money, Horses, Arms, and Amunition; and also have made application to, and treated and corresponded with, the *Pope*, his Cardinals, Nuncios, and Agents, and with other Foreign Ministers and Persons, to raise and obtain Supplies of Men, Money, Arms, and Amunition, therewith to make, levy, and raise War, Rebellion, and Tumults within this Kingdom, and to invade the same with Foreign Forces; and to surprize, seize, and destroy His Majesties Navy, Forts, Magazines, and places

places of strength within this Kingdom: Whereupon the Calamities of War, Murders of Innocent Subjects, Men, Women, and Children; Burnings, Rapines, Devastations, and other dreadful miseries and mischiefs must inevitably have ensued, to the ruine and destruction of this Nation.

That the said Conspirators have procured, accepted, and delivered out several Instruments, Commissions, and Powers; made and granted by, or under the Pope, or other unlawful and usurping Authority, to raise and dispose of Men, Money, Arms, and other things necessary for their wicked and trayterous Designs; and namely, a Commission to the said *Henry Lord Arundel of Wardour*, to be Lord High Chancellor of *England*; to the said *William Earl of Powis*, to be Lord Treasurer of *England*: Another Commission to the said *John Lord Bellasis* to be General of the Army to be raised, and the said *William Lord Petre* to be Lieutenant General of the said Army, and a Power to the said *William Viscount Stafford* to be Pay-master of the Army: That in order to encourage themselves in prosecuting their said wicked Plots, Conspiracies, and Treasons, and to hide and hinder the discovery of the same: and to secure themselves from Justice and punishment, the Conspirators aforesaid, and Confederates, have used many wicked and Diabolical Practises, (*viz.*) They did cause their Priests to Administer to the said Conspirators an Oath of Secrecy, together with their Sacrament; and also did cause their said Priests upon Confessions to give their Absolutions, upon condition that they should conceal the said Conspiracy.

And when about the Month of *September* last *Sir Edmundbury Godfrey*, a Justice of Peace, had, according to the Duty of his Oath and Office taken several Examinations and Informations concerning the said Conspiracy and Plot, the said Conspirators, or some of them, by Advice, Assistance, Counsel and Instigation of the rest, did incite and procure divers persons to lye in wait and pursue the said *Sir Edmundbury Godfrey* several dayes, with intent to murder him, which at last was penetrated and effected by them; for which said horrid Crimes and Offences *Robert Green*, *Henry Berry*, and *Lawrence Hill*, have since been attainted, and *Dominick Kelly*, and *Gerald*, and others, are fled for the same.

After which Murder, and before the Body was found, or the Murder known to any but the Complices therein, the said persons falsely gave out that he was alive, and privately married; and after the Body was found, dispersed a false and malicious Report that he had murdered himself. Which

Which said Murther was committed with design to stifle and suppress the Evidence he had taken, and had knowledge of, and to discourage and deter Magistrates, and others, from acting in the further discovery of the said Plot and Conspiracy, for which end also the said Sir *Edmundbury Godfrey* while he was alive, was by them their Complices, and Favourites, threatned and discouraged in his proceedings about the same.

And of their further malice they have wickedly contrived by many false suggestions, to lay the imputation and guilt of the aforesaid horrid and detestable Crimes upon the Protestants, that so thereby they might escape the Punishments they have justly deserved, and expose the Protestants to great scandal, and subject them to Persecution and Oppression in all Kingdoms and Countries where the *Roman Religion* is received and professed.

All which Treasons, Crimes, and Offences above mentioned, were contrived, committed, perpetrated, acted, and done by the said *William Earl of Powis, William Lord Viscount Stafford, Henry Lord Arundel of Wardour, William Lord Petre, and John Lord Bellasis*, and every of them, and others the Conspirators aforesaid, against our Sovereign Lord the King, his Crown and Dignity, and against the Laws and Statutes of this Kingdom.

Of all which Treasons, Crimes, and Offences, the Knights, Citizens, and Burgeses in Parliament assembled, do in the Name of themselves, and of the Commons of *England*, Impeach the said *William Earl of Powis, William Viscount Stafford, Henry Lord Arundel of Wardour, William Lord Petre, and John Lord Bellasis*, and every of them.

And the said Commons by Protestation, saving to themselves the liberty of exhibiting at any time hereafter any other Accusations or Impeachments against the said *William Earl of Powis, William Viscount Stafford, Henry Lord Arundel of Wardour, William Lord Petre, and John Lord Bellasis*, and every of them, and also of replying to the Answers which they and every of them shall make to the Premises, or any of them, or to any other Accusation or Impeachment which shall be by them exhibited (as the Cause according to course and proceedings of Parliament shall require) do pray that the said *William Earl of Powis, William Viscount Stafford, Henry Lord Arundel of Wardour, William Lord Petre, and John Lord Bellasis*, and every of them, may be put to answer all and every of the Premises, and that such Proceedings, Examinations, Tryals, and Judgments may be upon them, and every of them, had and used, as shall be agreeable to Law and Justice, and Course of Parliament.

Resolved that the said Articles be ingrossed.

ARTICLES of IMPEACHMENT OF HIGH TREASON

AND

Other high Crimes, Misdemeanours and Offences, against
THOMAS Earl of DANBY Lord High TREASURER of ENGLAND:

As they were delivered in to the House of Lords in the Name of the Commons of England, by Sir Henry Capel, Decemb. 23. 1678.

Together with a Letter of the Lord Treasurers to Mr. Montague, late
Embassador in France.

I.

That he hath Traiterously encroacht to himself Regal Power, by treating in matters of Peace and War with Forreign Ministers and Embassadors, and giving Instructions to his Majesties Embassadors abroad, without communicating the same to the Secretaries of State and the rest of his Majesties Council, against the expresse Declaration of his Majesty and his Parliament, thereby intending to defeat and overthrow the Provision that has been deliberately made by his Majesty and his Parliament for the Safety and Preservation of his Majesties Kingdoms and Dominions.

II.

That he hath Traiterously endeavoured to subvert the Ancient and well established Form of Government in this Kingdom, and instead thereof to introduce an Arbitrary and Tyrannical way of Government; and the better to effect this his purpose he did design the raising of an Army upon pretence of a War against the *French* King, and to continue the same as a Standing Army within this Kingdom; And an Army being so raised and no War ensuing, an Act of Parliament having past to pay and disband the same, and a great sum of money being granted for that end, he did continue the Army contrary to the said Act, and misemployed the said money given for the disbanding, to the continuance thereof, and issued out of his Majesties Revenues divers great sums of money for the said purpose, and wilfully neglected to take Security of the Pay-masters of the Army, as the said Act required, whereby the said Law is eluded, and the Army is yet continued to the great danger and unnecessary charge of his Majesty and the whole Kingdom.

III.

That he Traiterously intending and designing to Alienate the hearts and affections of his Majesties good Subjects from his Royal Person and Government, and to hinder the meeting of Parliaments, and to deprive his Sacred Majesty of their safe and wholsom Counsel, and thereby to alter the Constitution of the Government of this Kingdom, did propose and negotiate a Peace for the *French* King, upon terms disadvantageous to the Interest of his Majesty and his Kingdoms, for the doing whereof he did endeavour to procure a great sum of money from the *French* King, for enabling him to maintain and carry on his said traiterous designs and purposes, to the hazard of his Majesties Person and Government.

C

IV. That

IV.

That he is Popishly affected, and hath Traiterously concealed (after he had notice) the late horrid and bloody Plot and Conspiracy, contrived by the Papiſts, againſt his Majesties perſon and Government: and hath ſuppreſſed the Evidence and reproachfully diſcountenanced the Kings Witneſſes in the Diſcovery of it, in favour of Popery, immediately tending to the deſtruction of the Kings ſacred Perſon and the Subverſion of the Proteſtant Religion.

V.

That he hath waſted the Kings Treſure, by Iſſuing out of his Majesties Exchequer ſeveral Branches of his Revenue for unneceſſary Penſions and ſecret Services, to the value of 231602 L . within two years, and that He hath wholly diverted out of the known Method and Government of the Exchequer one whole Branch of his Majesties Revenue to private Uſes, without any account to be made of it to his Maſteſty in his Exchequer, contrary to the expreſs Act of Parliament; which granted the ſame, and he hath removed two of his Majesties Commiſſioners of that part of the Revenue, for reſuſing to conſent to ſuch his unwarrantable actings therein, and to advance money upon that branch of the Revenue for private uſes.

VI.

That he hath by Indirect means procured from his Maſteſty to himſelf divers conſiderable Gifts and Grants of Inheritance, of the Antient Revenue of the Crown, even contrary to Acts of Parliament.

For which matters and things the Knights, Citizens and Burgeſſes of the Commons in Parliament, do in the name of themſelves, and of all the Commons of *England*, Impeach the ſaid *Thomas Earl of Danby*, Lord High Treſurer of *England*, of HIGH TREASON, and other high Crimes, Miſdemeanours and Offences, in the ſaid Articles contained: And the ſaid Commons by Proteſtation, ſaving to themſelves the liberty of exhibiting at any time hereafter any other Accuſation or Impeachment againſt the ſaid Earl, and alſo of Replying to the Answers which the ſaid *Thomas Earl of Danby* ſhall make to the Premiſſes, or any of them, or any Impeachment or accuſation that ſhall be by them Exhibited, as the Cauſe (according to Courſe and Proceedings of Parliament) ſhall require; Do pray that the ſaid *Thomas Earl of Danby*, may be put to Answer all and every the Premiſſes, that ſuch Proceedings, Tryals, Examinations and Judgements may be upon them, and every one of them, had and uſed, as ſhall be agreeable to Law and Juſtice, and that he may be ſequeſtered from Parliament, and forthwith committed to ſafe Cuſtody.

The Lord TREASURERS Letter to Mr. Montague, the KING S late Embaſſadour in France, March 25. 1678.

My Lord,

Since my writing to you by Mr. *Briſban*, the Reſolves have been altered as to the ſending you Inſtructions (as yet) for the propoſing any thing to the *French King*, for the Particulars which will be conſented to on the part of the Confederates (and of which this is a Copy) will be communicated to you by Mr. Secretary *Coventry*, but you will have no other direction from him about them but only thereby to be enabled to find the Pulſe of the King or his Miniſters, at leaſt againſt the time that you ſhall receive Orders to make the Propoſals to him. That you may know from whence the nicety of that Affair proceeds; it is neceſſary to inform you, That for fear of its being ill reſented by the Parliament here, the King will not make any Propoſal at all of peace, unleſs he ſhall be preſſed to it by the Confederates: And although, by Mr. *Godolphin*, he is ſufficiently

sufficiently informed, that they desire a Peace upon the Articles sent you by the Secretary, yet not having received that desire formally, the Council will not advise his Majesty to let his Embassador propose that which he is not formally impowred to make good; and so by staying for that formal Power, which by Letter his Majesty is sufficiently enabled to propose, the time will be lost for effecting the Peace, if at all it can be had. To supply this defect then, and to prevent the Kings sending again into *Holland* before he know the mind of *France*, I am Commanded by his Majesty to let you know, that you are to make the *Propositions* inclosed to the King of *France*, and to tell him, the King will undertake for the seeing them made good on the part of *Spain*, and *Holland*, in case they shall be accepted by him. And in your Answer you must write the same thing to the Secretaries by way only of having felt the King of *France* his Pulse, which you must do to the King as a full answer from the King of *France*, and such an one as his Majesty may depend upon whatever that shall be. For the more dexterous management of this Affair, the King is advised to shew these *Propositions* to *Monsieur Berrillon*, but not to give him a Copy, so that by the strength of memory it is expected he shall write to his Master, and by that means only are we to hope for an answer to a matter of this vast importance, and consequence. You may may imagine what a satisfaction we are like to reap from it when it comes. I doubt not but by your Conduct it will be brought to a speedy issue, which is of as great importance as the thing it self, there being no condition worse for his Majesty, than his standing unresolved betwixt Peace and War. I find by *Monsieur Berrillon*, That it is like some places which are dependances upon greater Towns may be demanded by the K. of F. but if he intend a Peace (which you will do very well to know his mind fully in) you may justly say, that you hope he will neither stand upon one single place, tho' a Fortified one, nor upon any place unfortified, which is a dependant upon those which are to be restored to *Spain*. And if any thing shall be moved about *Sicily* to remain in the French hands until the Peace of *Sweden* be concluded, you are only to say, that you are not impowred to say any thing upon it: And you are confident the King hath done all he could to get the utmost Conditions that would be consented to: Only you are to say, the King hath again sent about *Conde*, not being well satisfied that they have not left in his power to give or refuse as he should have found it convenient, and hopeth still for some good Answer. ¶ In case the Conditions of Peace shall be accepted, the King expects to have six Millions of *Livers* yearly, for three years, from the time that this Agreement shall be signed between his Majesty and the King of *France*: Because it will be two or three years before he can hope to find his Parliament in humour to give him *Supplies*, after the having made any Peace with *France*.

The Embassadour here hath agreed to the sum, but not for so long a time. If you find the Peace will not be accepted, you are not to mention the money at all. And all possible care must be taken to have this whole Negotiation as private as possible, for fear of giving offence at home, when for the most part we hear in ten days after any thing that is communicated to the French Ministers. I must again repeat to you, that whatsoever you write on this Subject to the Secretary (to whom you must not mention one syllable of the money) you must say only as a thing you believe they will consent to if you had power formally to make these demands. Pray inform yourself of the bottom of what is to be expected from *France*; and assure them that you believe this will be the last time that you shall receive any *Propositions* of a Peace if these be slighted, as indeed I believe it will, so that you may take your own Measures as well as the Kings upon it. I am

Your Excellencies most faithful

and obedient Servant,

March 25. 78.

DANBY.

P O S T S C R I P T.

Now let it be noted that this very *Letter* was writ by the *Treasurer* in that very *Session* in the beginning whereof (the better to perswade the *Parliament* that our *Court* did really intend to make a war against *France*) he caused to be written and published a Book entituled *Christianissimus Christianandus*, in which he renders the *French King* as black as *HELL* it self. And after he had (by this and such like fallacies) prevailed with the *Parliament* to give money to raise so great a *Naval* and *Land force* to make an actual war with *France* (as the *Tule* and *Body* of the *Poll Bill* declares) He doth as you see but five days after the passing the same, in a clandestine way (though to the violating the *Royal word* and *Faith* of the *Nation*) labour to strike up a *Peace* and obtain such vast sums of money from the *French King* (whom he thought the terror of our *Arms* would now oblige to grant any thing) as he might thereby be enabled to alter and change the *Legal* and *Ancient Government* of *England*. By laying aside *Parliaments* (as ill-humoured things) and introducing an absolute power by a fixed *standing Army*.

How well this man hath deserved of his *Country*, and whether the *Justice* of the *Nation* can be satisfied till he be made as great an *Example* in *Punishment* as he hath been in *mischief*, let all men judge.

Jovis 20. die Martij, 1678.

Resolved, *Nemine contradicente*,

That a Message be sent to the *Lords* to put them in mind of the *Impeachment* of *High Treason* exhibited against *Thomas Earl of Danby*, in the name of the *Commons of England*, and to desire that he may be forthwith committed to safe custody.

Resolved, &c.

That it be referred to the *Committee of Secresie* to draw up further *Articles* against *Thomas Earl of Danby*.

Sabbati 22. die Martij, 1678.

Resolved, *Nemine contradicente*,

That a Message be immediately sent to the *Lords* to remind their *Lordships* of the last Message sent from this House relating to *Thomas Earl of Danby*. And to demand that *Thomas Earl of Danby* may be forthwith sequestred from *Parliament*, and committed to safe custody.

Martis 23. die Martij, 1679.

A Message from the *Lords* by *Baron Littleton*, and *Baron Thurland*.

Mr. *Speaker*, We are commanded by the *Lords* to acquaint this house that they sent to apprehend *Thomas Earl of Danby*, both to his house here in *Town*, and to his house at *Wimbolton*; and that the *Gentleman Usher* of the *Black Rod* had returned their *Lordships* answer that he could not be found.

Veneris 4. die Aprilis, 1679.

Resolved,

That an humble Address be made to his Majesty to desire his Majesty to issue out his *Royal Proclamation* for the apprehending *Thomas Earl of Danby*, with the usual *Penalties* upon such as shall conceal him: and that his Majesty will be further pleased to give order to the officers of his Majesties household that they take care that the said *Earl of Danby* be not permitted to reside within either of his Majesties Palaces of *White-hall*, *Somerset-house*, and *St. James*. And it is referred to Mr. *Powel*, &c. to prepare and draw up the same, and present it to the house to morrow morning.

The Pardon of *Thomas Earl of Danby*, both *Latine* and *English*, with his Plea to the Articles of Impeachment, and other high Crimes and Misdemeanors, &c. exhibited against him, &c.

CAROLUS Secundus Dei Gratia Angliæ, Scotiæ, Franciæ, & Hiberniæ REX, Fidei Defensor, &c. Omnibus ad quos presentes literæ nostræ Pervenerint, Salutem, Sciatis, quod Nos pro diversis bonis causis & considerationibus Nos ad hoc specialiter moventibus, de Gratia Nostra speciali ac ex certa scientia & mero motu nostris, Pardonavimus, Remisimus & Relaxavimus, ac per presentes pro Nobis, Heredibus & Successoribus nostris, Pardonamus, Remittimus & Relaxamus prædicto, & perquam fidei Consanguineo & Consiliario nostro Thomæ Comiti Danbii, omnes & omnimodas Proditiones, Crimina Læse Majestatis, Misprisiones Proditionum, Insurrectiones, Verborum Propalationes, Misprisiones, Confederationes, Concelamenta, Negligentias, Omissiones, Offensas, Crimina Contemptus, Malefacta & Transgressionibus quæcunque, per se solum seu cum aliqua alia persona, vel aliquibus aliis personis, aut per aliquem alium, sive aliquos alios, ex præcepto, advisamento, assensu, consensu, seu procuratore ejusdem Thomæ Comitis Danbii, advisata, præcepta, attempta, facta, perpetrata, conclata, commissæ, seu omiſsa, ante 27 diem Februarii jam ultim. præteritum, licet præmissa vel eorum aliqua, vel aliquid, tangunt vel tangat personam vel negotiationes Nostras Publicas qualescunque, nec non transactiones nostras cum Borensensis Legatis ad nos missis, vel non rite prosequendo Instructiones & Mandata Nostra Legatis Nostris, in partibus extra marinis, ex parte Nostra resident. ac etiam omnia & singula accessaria præmissorum & cujuslibet eorum, licet idem Thomas Comes Danbii de præmissis vel aliqua præmissorum indictatus, impetitus, appellatus, restatus, convictus, adjudicatus, ut legatus condemnatus vel attinctus, Existit vel non Existit, ac omnia & singula indictamenta, impetitiones, inquisitiones, informationes, exigenda judicia, attincta, utlegaria, convictiones, executiones, penas mortis, penas corporales, imprisonmentes, foris factura, punctiones, & omnes alias penas, & penalitates quascunque, pro eisdem vel eorum aliquo, ac omnia & omnimoda, scilicet, querelas, impetitiones, & demanda quæcunque, quæ Nos versus ipsum Thomam Comitem Danbii, ratione præmissorum vel eorum alicujus, habuimus, habemus, seu in futurum habere poterimus, aut Heredes, seu Successores Nostris, ullo modo habere poterint, in futuro, sectamque pacis Nostræ, ac quæ ad Nos Heredes & Successores Nostris versus ipsum Thom. Comitem Danbii pertinet, seu pertinere poterit, ratione seu occasione præmissorum, seu eorum aliquorum vel alicujus, ac firmam pacem Nostram. Et inde damus & concedimus per presentes, & ulterius volumus, & concedimus, Quod hæc literæ nostræ, ac hæc nostra Pardonatio, Remissio & Relaxatio in eisdem contenta, quoad omnia & singula superius pardonata, remissa, & relaxata, bona & effectuales in lege sint, et erint, licet proditiones, crimina læse Majestatis, Misprisiones Proditionum, Insurrectiones, Rebelliones, Fellonia, Exactiones, Oppressiones, verborum Propalationes, Misprisiones, Confederationes, Concelamenta, Negligentia, Omissiones, Offensa, Crimina Contemptus, Malefacta & Transgressionibus ante dicta, Minus certe specificat. existunt. Et non obstante Statuto in Parlamento Dom. Ricardi Secundi, nuper Regis Angliæ, Anno 13 Regni sui edito, & proviso. Et non obstante Statuto in Parlamento Dom. Edwardi tertii, nuper Regis Angliæ, Anno Regni sui 14. edito & proviso; Aut aliquo alio Statuto, Actu vel Ordinatione, in contrarium inde editis & provis. Et ulterius de uberiori Gratia Nostra firmiter Precipimus Omnibus & singulis Judicibus, Justiciariis, vel aliis quibuscunque, Quod hæc præsens Litera & Generalis Pardonatio nostra & generalia verba, clausula & sententia supra dicta, construantur, exponantur & adjuvantur in omnibus

libus curiis nostris & alibi, in beneficentissimo, amplissimo, & benignissimo sensu, & pro maxima & firmitate exoneratione predicti Thomæ Comitis Danbii de & à criminibus & offensis predictis secundum veram intentionem nostram, & in tam beneficiali modo & forma & ad omnes intentiones, & proposita, prout si predictæ prodictiones, criminosa Majestatis, misprisiones prodictionum, crimina, offense, misprisiones, concealments, negligentia, omissiones, contemptus, & transgressiones predictæ ac cetera præmissa per apta expressa, & specialia verba Pardonata, Remissa, & Relaxata fuissent. Et quod hæc Litteræ Patentis, Remissio, Relaxatio, & Pardonatio, omnia in eisdem contenta, in quibuscunque curiis & coram quibuscunque Justiciariis nostris, placitentur & allocentur, sine aliquo Breve de allocatione, aliquo iure, causa vel materia quacunque in aliquo non obstante. In cuius rei Testimonium hæc litteras nostras fieri fecimus Patentes. Teste me ipso a. ad Westmonasterium 1. die Martii, Anno Regni nostri 31.

CHARLES the Second, by the Grace of God, of England, Scotland, France, and Ireland, King, Defender of the Faith, &c. To all to whom these our Letters-Patents shall come, sendeth Greeting, Know ye, that we for divers good Causes and Considerations, Us hereunto especially moving, have out of our special Favour, certain Knowledge and meer Motion of our own, Pardoned, Remitted, and Released, and by these Presents for Us, our Heirs and Successors, do pardon, remit, and release to our Well-beloved and right trusty Cousin and Counsellor, Thomas Earl of Danby, all, and all manner of Treasons, as well high Treason, as misprisions of Treason, Insurrections, revealing of Councils, Misprisions, Confederations, Concealments, Neglects, Omissions, Offences, Crimes, Contempts, Misdeeds and Transgressions whatsoever, by himself alone, or with any other Person, or Persons, or by any other, or others, by the Command, Advice, Assent, Consent, or Procurement of the said Thomas Earl of Danby, advised, commanded, attempted, done, performed, concealed, committed, or omitted, before the 27th day of February, now last past. Although the Premises, or any of them touch, or may touch our Person, or our publick Negotiations whatsoever, or our Transactions with Foreign Embassadors unto Us sent, or for not right following our Instructions and Mandates to our own Embassadors resident on our behalf in foreign parts beyond the Seas: And also all and singular Accessaries to the Premises, or any of them, altho the said Thomas Earl of Danby be Indicted, Impeached, Appealed, Arrested, Convict, Adjudged, or as Embassador Condemned, or be, or be not attainted of the Premises, or any of them; And all & every Indictments, Impeachments, Inquisitions Informations, Judgments to be required, Attainders, Outlawries, Convictions, Penalties of Death, corporal Punishments, Imprisonments, Forfeitures, Sufferings, together with all other Pains and Penalties whatsoever, for the same, or any of them, and all, and all manner of Suits, Complaints, Impeachments, and Demands whatsoever, which we against the said Thomas Earl of Danby, by reason of the Premises, or any of them, have had, now have, or hereafter may have, or which our Heirs or Successors in any manner may have hereafter, together with any Suit for breach of our Peace, which to Us, our Heirs, or Successors, against the said Tho. E. of Danby, doth, or may belong by reason, or occasion of the Premises, of some, or any of them, We do for ever Indemnifie him. Moreover We give and grant by these Presents, and it is our further Will and Pleasure, that these our Letters, and this our Pardon, Remission, and Release therein contained, as to all & singular the things above Pardoned, Remitted, & Released, be & shall be good & effectual in Law, altho the Treasons, high Treasons, Misprisions of Treasons, Insurrections, Rebellions, Felonies, Extortions, Oppressions, betraying of Councils, Confederacies, Concealments, Negligencies, Omissions, Offences, Crimes, Contempts, Misdemeanors, and Transgressions aforesaid, be not fully specifid. And notwithstanding the Statute of Richard the Second late of England King, in the 13 year of his Reign made and provided. And notwithstanding the

the Statute by the Parliament of *Edward the Third*, late King of *England*, in the 14th year of his Reign made and provided, or any other Statute, Act, or Ordinance to the contrary heretofore published and provided. And moreover of our abundant Grace, we do strictly command all Judges, Justices, or others whosoever, that this present Letter, with our general Pardon, and general Words, Clauses, and Sentences abovesaid, shall be Construed, Expounded and Adjudged, in all our Courts, and elsewhere, in the most beneficial, most ample, and most favourable Sense, and for the greatest and firmest discharge of the abovesaid *Thomas Earl of Danby*, of, and from, the Crimes and Offences abovesaid, according to our true Intention, and in so beneficial a manner and form, and to all intents and purposes, so as if the said Treasons, high Treasons, Misprisions of Treason, Crimes, Offences, Omissions, Contempts, Concealments, Negligence, and Transgressions abovesaid, and other the Premises, had been by apt, express, and special words, Pardon'd, Remitted and Released. And that these Letters-Patents, Remission, Release, and Pardon, with all things therein contain'd, in whatsoever Courts, and before whatsoever our Justices, shall be pleaded and allowed, without any Writ of Allowance, any thing, cause, or matter whatsoever in any wise notwithstanding. In witness whereof we have caused these Our Letters-Patents to be made. Witness my self at *Westminster*, the first day of *March*, in the 31 Year of our Reign.

The P L E A of the Earl of Danby, late Lord High Treasurer of England, to the Articles of Impeachment, and other high Crimes and Misdemeanors, and Offences, Exhibited against him, by the name of Thomas Earl of Danby, Lord High Treasurer of England.

THe said Earl for Plea, faith, and humbly offereth to your Lordships, as to all and every the Treasons, Crimes, Misdemeanors and Offences contained, or mentioned in the said Articles, That after the said Articles Exhibited, namely the first of *March*, now last past, the King's most Excellent Majesty, by his most Gracious Letters-Patents of Pardon under his great Seal of *England*, bearing date at *Westminster*, the said first day of *March* in the One and Thirtieth year of his Majesty's Reign: And here into this most High and Honourable Court, produced under the said Great Seal.

Of his special Grace, certain knowledge, and meer motion, hath Pardoned, Remitted, and Released to him, the said *Thomas Earl of Danby*, all, and all manner of Treasons, Misprisions of Treasons, Insurrections, Rebellions, Felonies, Executions, Oppressions, Publications of Words, Misprisions, Confederacies, Concealments, Negligencies, Omissions, Offences, Crimes, Contempts, Misdemeanors and Trespasses whatsoever by himself alone, or with any other Person or Persons, or by any other by the Command, Advice, Assent, Consent, or Procurement of him, the said *Thomas Earl of Danby*, advised, committed, attempted, made, perpetrated, concealed, committed, or omitted, before the 27th day of *Febr.* then and now last past, being also after the time of the said Articles Exhibited, altho the said Premises, or any of them did, or should touch, or concern the Person of his said Majesty, or any of his public Negotiations whatsoever. And also his Majesty's Affairs with Foreign Embassadors sent to his said Majesty, or by not rightly prosecuting his Majesty's Instructions and Commands to his Embassadors, residing on his Majesty's behalf in Foreign Parts.

And as to all and singular Accessaries to the said Premises, and every of them, altho be the said *Thomas E. of Danby* were, or were not of the said Premises, or any of them Indicted, Impeached, Appealed, Accused, Convicted, Adjudged, Out-law'd, Con-

Condemned, or Attainted; And all and singular Indictments, Impeachments, Inquisitions, Informations, Exigents, Judgments, Attainders, Outlawries, Convictions, Pains of Death, Corporal Punishments, Imprisonments, Forfeitures, Punishments, and all other Pains and Penalties whatsoever, for the same, or any of them, and all, and all manner of Suits, Complaints, Impeachments, and Demands whatsoever, which his said Majesty by reason of the Premises, or any of them then had, or for the future should have, or his Heirs, or Successors, any way could have afterwards against him the said *Thomas* Earl of *Danby*. And also Suit of his Majesty's Peace, and whatsoever to his Majesty, his Heirs, or Successors, against him the said Earl of *Danby*, did or could belong, by reason or occasion of the Premises, or any of them. And his Majesty hath thereby given and granted his firm Peace to the said *Thomas* Earl of *Danby*. And further, his Majesty willed and granted, that the said Letters-Patents, and the said Pardon and Release therein contained, as to all the things therein pardoned and released, should be good and effectual in the Law, although the Treasons, Misprisions of Treasons, Insurrections, Rebellions, Felonies, Exactions, Oppressions, Publications of Words, Misprisions of Confederacies, Concealments, Negligences, Omissions, Offences, Crimes, Contempts, Misdemeanors, and Trespasses, were not certainly specified. And notwithstanding the Statute in the Parliament of the Lord *Richard* the 2^d late King of *England*, in the 13th year of his Reign, made and provided. And notwithstanding the Statute in the Parliament of the Lord *Edward* the 3^d, in the 14th year of his Reign made and provided, or any other Statute, Act, or Ordinance to the contrary thereof made and provided. And moreover his said now Majesty by his said Letters-Patents of his further Grace, did firmly Command all and singular Judges, Justices, Officers, and others whomsoever, That the said free and general Pardon of his said Majesty, and the general Words, Clauses, and Sentences abovesaid, should be construed, expounded, and adjudged in all his said Majesty's Courts, and elsewhere, in the most beneficial, ample and benign Sence.

And for the better and more firm discharge of the said Earl, of, and from the Crimes and Offences abovesaid, according to the true intents of his Majesty, and in such beneficial manner and form to all intent and purposes whatsoever, as if the said Treasons, Crimes, Offences, Concealments, Negligences, Omissions, Contempts and Trespasses abovesaid, and other the said Premises by apt, expresse and special Words had been remitted, released and pardoned. And that the said Letters-Patents of Pardon, and the Release and Pardon therein contained, shall be pleaded and allowed in all and every his Majesty's Courts, and before all his Justices whatsoever, without any Writ of allowance, any matter, cause, or thing whatsoever in any ways notwithstanding, as by the said Letters-Patents themselves more at large appeareth, which said Letters-Patents follow in these words.

CAROLUS Secundus Dei Gratia Angliæ, Scotiæ, Franciæ, & Hiberniæ Rex, Fidei Defensor, &c. Omnibus ad quos presentes litera nostra pervenerint, Salutem, Sciatis, Quod Nos pro diversis bonis causis & considerationibus nos ad hoc specialiter movent. De Gratia Nostra speciali, ac ex certa scientia & mero motu Nostris Pardonavimus & Relaxavimus; &c.

And the said *E.* doth aver, That he the said *Tho. E. of D.* in the said Articles named, is the said *Tho. E. of D.* in the said Letters-Patents of pardon here produced, likewise named. Which Pardon the said *E.* doth rely upon, and pleaded the same in Bar of the said Impeachment, and in discharge of all the Treasons, Crimes, Misdemeanors, and Offences contained, or mentioned in the said Articles of Impeachment, and every of them; and this the said Earl is ready to aver.

Whereupon he humbly prays the Judgments of your Lordships, and that his Majesty's most gracious Pardon abovesaid may be allowed. And that he the said *E.* by virtue hereof, may be (from all the said Articles of Impeachment, and all and every of the Treasons and Crimes therein alledged against him) acquitted and discharged.

The

THE
Reasons & Narrative
OF
PROCEEDINGS

Betwixt the
TWO HOUSES:

Which were delivered by the
House of Commons,
TO THE
LORDS,
At the Conference touching the Tryal of the
LORDS in the Tower. On Munday the 26th of May, 1579.

The Commons have alwayes desired, that a good Correspondence may be preserved between the Two Houses.

There is now depending between your Lordships and the Commons, a Matter of the greatest Weight: In the Transactions of which, your Lordships seem to apprehend some Difficulty in the Matters proposed by the Commons.

To clear this, the Commons have desired this Conference; and by it, they hope to manifest to your Lordships, that the Propositions of the House of Commons, made by their Committee, in relation to the Tryal of the Lords in the Tower, have been onely such as are well warranted by the Laws of the Parliament, and Constitutions of the Government, and in no sort intrench upon the Judicature of the Peers; but are most necessary to be insisted upon, that the Antient Rights of Judicature in Parliament may be maintained.

The Commons readily acknowledge, that the Crimes charged upon the Earl of *Powis*, Viscount *Stafford*, Lord *Petre*, Lord *Arundel of Wardour*, and Lord *Bellasis*, are of deep Guilt, and call for speedy Justice: But withall, they hold, That any Change in Judicature in Parliament, made without Consent in full Parliament, to be of pernicious Consequence, both to his Majesty, and his Subjects; and conceive themselves obliged to transmit to their Posterity, all the Rights which of this kind they have received from their Ancestors, by putting your Lordships in mind of the Progress that has already been between the Two Houses, in relation to the Propositions made by the Commons, and the Reasonableness of the Propositions themselves: They doubt not to make it appear, that their Aim has been no other, than to avoid such Consequences, and preserve that Right; and that there is no delay of Justice on their Part. And to that end, do offer to your Lordships the ensuing Reasons and Narrative: That the Commons in bringing the Earl of *Danby* to Justice, and in discovery of that Execrable and Traiterous Conspiracy, (of which the five *Papish* Lords now stand impeached; and for which some of their wicked Accomplices have already undergone the Sentence of the Law, as Traytors and Murtherers) have laboured under many great Difficulties, is not unknown to your Lordships.

Nor is it less known to your Lordships, That upon the Impeachment of the House of Commons, against the Earl of *Danby* for High Treason, and other High Crimes, Misdemeanors, and Offences, even the Common Justice of sequestering him from Parliament and forthwith Committing him to safe Custody, was then required by the Commons, and denyed by the House of Peers, though he then Sat in their House : of which, your Lordships have been so sensible, that at a free Conference the Tenth of *April* last, your Lordships declared, That it was the Right of the Commons, and well warranted by Presidents of former Ages; That upon an Impeachment of the Commons, a Peer so Impeached, ought of Right to be ordered to with-draw, and then to be Committed. And had not that Justice been denyed to the Commons, a great part of this Session of Parliament, which hath been spent in framing and adjusting a Bill, for causing the Earl of *Danby* to appear, and answer that Justice from which he was fled; had been saved, and had been imployed for the Preservation of His Majesties Person, and the Security of the Nation, and in Prosecution of the other five Lords. Neither had he had the Opportunity for procuring for himself that Illegal Pardon, which bears date the First of *March* last past, and which he hath now pleaded in Bar of his Impeachment : Nor of wasting so great a proportion of the Treasure of the Kingdom, as he hath done, since the Commons exhibited their Articles of Impeachment against him.

After which time thus lost by reason of the Denyal of that Justice, which of right belonged to the Commons upon their Impeachment, the said Bill being ready for the Royal Assent, the said Earl then rendred himself; and by your Lordships Order of the Sixteenth of *April* last, was Committed to the *Tower*. After which, he pleads the said Pardon; and being prest, did at length declare, He would rely upon, and abide by that Plea; which Pardon pleaded, being illegal and voyd, and so ought not to bar, or preclude the Commons from having Justice upon the Impeachment. They did thereupon, with their Speaker, on the Fifth of *May* instant, in the Name of Themselves, and all the Commons of *England*, demand Judgment against the said Earl, upon their Impeachment : Not doubting, but that your Lordships did intend in all your Proceedings upon the Impeachment, to follow the usual Course and Method of Parliament.

But the Commons were not a little surprized by the Message from your Lordships, delivered them on the Seventh of *May*; whereby acquainting them, That as well the Lords Spiritual as Temporal, had ordered, that the Tenth of *May* instant, should be the Day for hearing the Earl of *Danby*, to make good his Plea of Pardon. And that on the Thirteenth of *May*, the other Five Lords Impeached, should be brought to their Tryal : And that your Lordships had addressed to His Majesty, for naming of a Lord High Steward, as well in the Case of the Earl of *Danby*, as the other five Lords.

Upon consideration of this Message, the Commons found, that the admitting of the Lords Spiritual to exercise Jurisdiction in these Cases, was an Alteration of the Judicature in Parliament; and which extended as well to the Proceeding against the Five Lords, as the Earl of *Danby*. And that if a Lord High-Steward should be necessary upon Tryal on Impeachments of the Commons the Power of Judicature in Parliament, upon Impeachments, might be defeated, by suspending or denyng a Commission to Constitute a Lord High-Steward.

And that the said days of Tryal appointed by your Lordships, were so near to the time of your said Message, that these Matters, and the Method of proceeding upon the Tryal, could not be adjusted by Conference betwixt the Two Houses, before the Day so nominated. And consequently the Commons could not then proceed to Tryal, unless the zeal which they have for speedy Judgment against the Earl of *Danby*, (that so they might proceed to Tryal of the other Five Lords) should induce them at this juncture, both to admit the enlargement of your Lordships Jurisdiction, and to sit down under these or any Hardships, though with the hazard of all the Commons Power of Impeaching for time to come) rather than the Tryal of the said Five Lords should be deferred for some short time, whilst these matters might be agreed on and settled.

For reconciling Differences in these great and weighty Matters, and for saving that time which would necessarily have been spent in Debates and Conferences betwixt the two Houses, and for expediting the Tryal, without giving up the Power of Impeachment, or rendering them ineffectual.

The Commons thought fit to propose to your Lordships, that a Committee of both Houses might be appointed for this purpose. At which Committee (when agreed to by your Lordships,) it was first proposed, that the time of Tryal of the Lords in the *Tower* should be put off till the other Matters were adjusted, and it was then agreed, that the Proposition as to the time of the Tryal, should be the last thing considered. And the effect of this Agreement stands reported upon your Lordships Books.

After which, the Commons communicated to your Lordships, by your Committee, a Vote of theirs, (*viz.*) That the Committee of the Commons should insist upon their former Vote of their

their House, That the Lords Spiritual ought not to have any Vote in any Proceedings against the Lords in the Tower, and that when that Matter should be settled, and the Method of Proceedings adjusted, the Commons would then be ready to proceed upon the Tryal of the Pardon of the Earl of *Danby*, against whom they had before demanded Judgment, and afterwards to the Tryal of the other Five Lords in the Tower: Which Vote extended as well to the Earl of *Danby*, as the other Five Lords; but the Commons as yet received nothing from your Lordships towards an Answer of that Vote, save that your Lordships have acquainted them, that the Bishops have asked leave of the House of Peers, that they might withdraw themselves from the Tryal of the said Five Lords, with liberty of entering their usual protestation.

And though the Commons Committee have almost daily declared to your Lordships Committee, that that was a necessary point of Right to be settled before the Tryal, and offered to debate the same; your Committee always answered, that they had not any Power from your Lordships, either to confer upon, or to give any Answer concerning that Matter.

And yet your Lordships, without having given the Commons any satisfactory Answer to the said Vote, or permitting any Conference or Debate thereupon, and contrary to the said Agreement, did on Thursday the Twenty second of *May*, send a Message to the Commons, Declaring, That the Lords Spiritual as well as Temporal, had ordered that the Twenty Seventh of this instant *May* be appointed for the Tryal of the Five Lords.

So that the Commons cannot but apprehend, that your Lordships have not onely departed from what was agreed on, and in effect laid aside that Committee which was constituted for preserving a good Understanding betwixt the Two Houses, and better dispatch of the weighty Affairs now depending in Parliament: but must also needs conclude from the Message, and the Votes of your Lordships on the fourteenth of *May*, That the Lords Spiritual have a Right to stay and sit in Court, till the Court proceeds to the Vote of Guilty or not Guilty. And from the Bishops asking leave (as appears by your Lordships Books two days after your said Vote) that they might withdraw themselves from the Tryal of the said Lords, with liberty of entering their usual Protestation, & by their persisting still to go on and give in their Votes Proceedings upon the Impeachment; That their desire of leave to withdraw at the said Tryal, is onely an Evasive Answer to the before-mentioned Vote of the Commons, and chiefly intended as an Argument for a Right of Judicature in Proceedings upon Impeachment, and as a Reserve to Judge upon the Earl of *Danby's* Plea of Pardon; and upon these and other like Impeachments; although no such Power was ever claimed by their Predecessours, but is utterly denied by the Commons. And the Commons are the rather induced to believe it so intended, because the very asking leave to withdraw, seems to imply a Right to be there, and that they cannot be absent without it.

And because by this way, they would have it in their Power, whether or no for the future, either in the Earl of *Danby's* Case, or any other, they will ever ask leave to be absent; And the Temporal Lords a like power of denying leave, if that should once be admitted necessary.

The Commons therefore are obliged not to proceed to the Tryal of the Lords on the Twenty Seventh of this instant May, but to adhere to their aforesaid Vote: And for their so doing, besides what hath been now and formerly by them said to your Lordships, do offer you these Reasons following.

REASONS.

I. Because your Lordships have received the Earl of *Danby's* Plea of Pardon, with a very long and unusual Protestation; wherein he hath aspersed His Majesty by false Suggestions, as if His Majesty had Commanded or Countenanced the Crimes he stands charged with; and particularly suppressing and discouraging the Discovery of the Plot, and endeavouring to introduce an Arbitrary and Tyrannical way of Government: Which remains as a scandal upon Record against His Majesty, tending to render His Person and His Government odious to His People; against which it ought to be the first and principal care of both Houses to vindicate His Majesty, by doing justice upon the said Earl.

II. The

II.

The setting up a Pardon to be a Bar of an Impeachment, defeats the whole use and effect of Impeachments; and should this point be admitted, or stand doubted, it would totally discourage the exhibiting any for the future: Whereby the chief Institution for the preservation of the Government, (and consequently the Government it self) would be destroyed. And therefore the Case of the said Earl, (which in consequence concerns all Impeachments whatsoever) ought to be determined before that of the said Five Lords; which is but their particular Case.

And without resorting to many Authorities of greater Antiquity: The Commons desire your Lordships to take notice, (with the same regard they do) of the Declaration which that Excellent Prince, King Charles the First of blessed Memory, made in this behalf, in His Answer to the Nineteen Propositions of both Houses of Parliament: Whertin, stating the several parts of this regulated Monarchy, he says: *The King, the House of Lords, and the House of Commons, have each particular Priviledges*: And among those which belong to the King, he reckons power of Pardoning. After the enumerating of which, and other his Prerogatives, His said Majesty adds thus: *Again, That the Prince may not make use of this High and perpetual Power, to the hurt of those for whose good he hath it, and make use of the name of publick necessity, for the gain of his private Favourites and Followers, to the detriment of his people; The House of Commons, (an Excellent Conserver of Liberty, &c.) is solely intrusted with the first Propositions concerning the Levies of Moneys, and the Impeaching of those, who, for their own ends, though countenanced by any surreptitiously-gotten Commands of the King, have violated that Law, which he is bound (when he knows it) to protect, and to the protection of which they were bound to advise him, at least not to serve him in the contrary. And the Lords being trusted with a Judicatory Power, are an excellent screen and bank between the Prince and People, to assist each against any Inroachments of the other; and by just Judgments to preserve that Law, which ought to be the Rule of every one of the three, &c. Therefore the power legally placed in both Houses, is more than sufficient to prevent and restrain the power of Tyranny, &c.*

III.

Until the Commons of England have right done them against this Plea of Pardon, they may justly apprehend, that the whole Justice of the Kingdome, in the Case of the Five Lords, may be obstructed and defeated by Pardons of like nature.

IV.

An Impeachment is virtually the voice of every particular Subject of this Kingdome, crying out against an oppression, by which every Member of that Body is equally wounded: And it will prove a matter of ill Consequence; that the universality of the people should have occasion ministred and continued to them, to be apprehensive of utmost danger from the Crown, from whence they of right expect protection.

V.

The Commons Exhibited Articles of Impeachment against the said Earl, before any against the Five other Lords, and demanded Judgment upon those Articles: Whereupon, your Lordships having appointed the Trial of the said Earl to be before that of the other Five Lords, Now your Lordships having since inverted that Order, gives a great cause of doubt to the House of Commons, and raises a jealousy in the Hearts of all the Commons of England, that, if they should proceed to the Tryal of the said Five Lords in the first place, not only Justice will be obstructed in the Case of those Lords, but that they shall never have right done them in the matter of this Plea of Pardon; which is of so fatal consequence to the whole Kingdome, and a new device to frustrate publick Justice in Parliament.

Which Reasons and Matters being duely weighed by your Lordships, the Commons doubt not but your Lordships will receive satisfaction concerning their Propositions and Proceedings: And will agree, That the Commons ought not, nor can, without deserting their Trust, depart from their former Vote communicated to your Lordships; *That the Lords Spiritual ought not to have any Vote in any proceedings against the Lords in the Tower, and when that matter shall be settled, and the Methods of Proceedings adjusted, the Commons shall then be ready to proceed upon the Tryal of the Earl of Danby, (against whom they have already demanded Judgment) and afterwards to the Tryal of the other Five Lords in the Tower.*

May 27. 1679.

The Narrative and Reasons delivered at the Conference yesterday with the House of Commons were again read, and after a long debate, the Vote of this House dated the 13th of *May* instant, and the Explanation thereupon dated the 14th instant, were read, and the Question was put, Whether to insist upon these Votes concerning the Lords Spiritual, and it was resolved in the Affirmative.

DISSENTERS Present.

Buckingham.
Huntington.
Kent.
Shaftsbury, P. R.
Bedford.
Winchester.
Rochester.
North, and Grey.
Suffolk.
J. Lovelace.
Townshend.
Herbert.
Gray.
Stamford.

Newport.
Say, and Seal.
P. Wharton.
Leicester.
Scarsdale.
Strafford.
Derby.
Delamer.
Howard.
Paget.
Clare.
Salisbury.
Falconberg.
Windsor.

A
C O P Y
O F T H E
B I L L
Concerning the
D. of Y O R K.

FORASMUCH as these Kingdoms of *England* and *Ireland*, by the wonderful Providence of Almighty God, many years since have been delivered from the slavery and superstition of *Popery*, which had despoiled the King of his Sovereign Power, for that it did and doth advance the Pope of *Rome* to a Power over Sovereign Princes, and makes him Monarch of the Universe, and doth withdraw the Subjects from their Allegiance, by pretended Absolutions from all former Oaths and Obligations to their Lawful Sovereign, and by many Superstitions and Immorosities hath quite subverted the Ends of the Christian Religion; but notwithstanding that *Popery* hath been long since Condemned, by the Laws and States of this Realm, for the detestable Doctrine and Traytorous Attempts of its Adherents, against the lives of their Lawful Sovereigns, Kings and Queens of these Realms, yet the Emisseries, Priests and Agents for the Pope of *Rome* resorting into this Kingdom of *England* in great numbers, contrary to the known Laws thereof, have for several years last past, as well by their own Devilish Acts and Policies, as by Counsel and Assistance of Foreign Princes and Prelates, known Enemies to these Nations, contrived and carried on a most horrid and Execrable Conspiracy to destroy and murder the person of his Sacred Majesty, and to subvert the ancient Government of these Realms, and to expire the Protestant Religion, and Massacre the true Professors thereof: And for the better effecting their Wicked Designs, and encouraging their Villanous Accomplices, they have Traytorously seduced *James Duke of York*, presumptive Heir of these

these Crowns, to the Communion of the Church of *Rome*, and have induced him to enter into several Negotiations with the Pope, his Cardinals and Nuncios, for promoting the *Romish* Church and Interest, and by his means and procurement have advanced the Power and Greatness of the *French King* to the manifest hazard of these Kingdoms, That by the descent of these Crowns upon a *Papist*, and by Foreign Alliances and Assistance, they may be able to succeed in their Wicked and Villanous Designs. And for as much as the Parliaments of *England*, according to the Laws and Statutes thereof, have heretofore for great and weighty Reasons of State, and for the Publick Good and Common Interest of this Kingdom, directed and limited the Succession of the Crown in other manner than of course it would otherwise have gone; but never had such important and urgent Reasons as at this time press and require their using of their said extraordinary Power in that behalf. Be it therefore Enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and the Commons in this Parliament Assembled, and by the Authority of the same. And it is hereby Enacted accordingly, That *James Duke of York, Albany and Ulster*, (having departed openly from the Church of *England*, and having publicly professed and owned the Popish Religion, which hath notoriously given birth and life to the most Damnable and Hellish Plot, by the most gracious Providence of God lately brought to light) shall be excluded and disabled, and is hereby excluded and disabled for ever from possessing, having, holding, inheriting, or enjoying the Imperial Crowns and Governments of this Realm, and these Kingdoms, and of all Territories, Countries, and Dominions, now or which shall hereafter be under his Majesty's subjection, and of and from all Titles, Rights, Prerogatives, and Revenues with the said Crowns, now or hereafter to be enjoyed; and that upon the demise or death of his Majesty, without Heirs of his Body, (whom God long preserve) the Crowns and Governments of this Kingdoms, and all Territories, Countries, and Dominions, now or which shall hereafter be under his Majesties subjection, with all the Rights, Prerogatives, and Revenues therewith, of Right enjoyed, and to be enjoyed, shall devolve and come upon such person who shall be next Lawful Heir of the same, and who shall have always been truly and professedly of the Protestant Religion now established by Law within this Kingdom, as if the said Duke of *York* were actually dead; and that whatever Acts of Sovereign Power the said Duke of *York* shall at any time Erect or Exercise, shall be taken, deemed, and adjudged, and are hereby declared, and Enacted High Treason, and to be punished accordingly.

And forasmuch as the peace, safety, and well-being of these Kingdoms do so intirely depend upon the due execution of, and obedience to this Law, be it further Enacted by the Authority aforesaid, That if any Person shall in any wise at any time during the Kings Life, (which God preserve) or after his demise or decease, aid, assist, counsel, or hold Correspondence with the said Duke of *York*, (who
is,

is, and ought to be esteemed a perpetual Enemy to these Kingdoms and Governments,) either within these Kingdoms, or out of them; or shall endeavour or contrive his return into either of them, or into any of the Territories or Dominions of the same; or shall, during the Kings Life, publish or declare him to be the Lawful, or rightful Successor apparent, presumptive, or other Heir to the Crown of *England*; or shall after the demise, or decease of the King that now is, proclaim, publish, or declare the said Duke of *York* to be King, or to have Right or Title to the Crown or Government of *England* or *Ireland*; or shall by Word, Writing, or Printing, maintain or assert that he hath any manner of Right or Title to the Crown, or Government of these Kingdoms, and shall be therefore Convict upon the Evidence of two or more lawful and credible Witnesses shall be adjudged guilty of High Treason, and shall suffer and forfeit as in cases of High Treason.

And forasmuch as the said Duke's return, or coming into any of the aforesaid Kingdoms, Countries, Territories, or Dominions, will naturally conduce to bring vast mischiefs, and all the evil hereby provided against upon them in War and Slaughter, and unspeakable Calamities; which therefore the said Duke must be presumed to design by such his return, or coming into any of the aforesaid Kingdoms, Countries, Territories, or Dominions: Be it therefore likewise Enacted, and it is hereby Enacted by the Authority aforesaid, That if the said Duke do at any time hereafter return, or come into any of the aforesaid Kingdoms, Countries, Territories, or Dominions, he shall be, and is hereby thereupon, and for so doing, attainted of High Treason; and all manner of Persons whatsoever are hereby authorised and required, to apprehend, secure, and imprison his Person; and in case of resistance made by him, or any of his Accomplices, to subdue, or imprison him, or them, by force of Arms.

*The Right Honourable the Earl of Shaftsbury's Speech
in the House of Lords, March 25. 1679.*

My Lords,

YOU are appointing of the consideration of the State of *England* to be taken up in a Committee of the whole House, some day next Week. I do not know how well what I have to say may be received, for I never study either to make my Court well, or to be Popular; I always speak what I am commanded by the Dictates of the Spirit within me.

There are some other Considerations that concern *England* so nearly, that without them you will come far short of Safety and Quiet at home: *We have a little Sister, and she hath no Breasts, what shall we do for our Sister in the day when she shall be spoken for? If she be a Wall, we will build on her a Palace of Silver, if she be a Door, we will inclose her with boards of Cedar.* We have several little Sisters without Breasts, the *French* Protestant Churches, the two Kingdoms of *Ireland* and *Scotland*; the Foreign Protestants, are a Wall, the onely Wall and Defence to *England*; upon it you may build Palaces of Silver, glorious Palaces. The Protection of the Protestants abroad, is the greatest Power and Security the Crown of *England* can attain to, and which can only help us to give check to the growing greatness of *France*. *Scotland* and *Ireland* are two Doors, either to let in Good or Mischief upon us; they are much weakened by the Artifice of our cunning Enemies, and we ought to inclose them with boards of Cedar.

Popery and *Slavery*, like two Sisters, go hand in hand, sometimes one goes first, sometimes the other, in a doors, but the other is always following close at hand.

In *England*, *Popery* was to have brought in *Slavery*; in *Scotland*, *Slavery* went before, and *Popery* was to follow.

I do not think your Lordships or the Parliament have Jurisdiction there. It is a Noble and Ancient Kingdome; they have an illustrious Nobility, a gallant Gentry, a Learned Clergy, and an Understanding, Worthy People; but yet we cannot think of *England* as we ought, without reflecting on the Condition therein. They are under the same Prince, and the Influence of the same Favourites and Councils; when they are hardly dealt with, can we that are the Richer expect better usage? for 'tis certain, that in all Absolute Governments, the poorest Countreys are always most favourably dealt with.

When the Ancient Nobility and Gentry there cannot enjoy their Royalties, their Shrevaldoms, and their Stewardaries, which they and their Ancestors have possessed for several hundreds of years; but that now they are enjoyed by the Lords of the Council to make Deputations of their Authorities to such as are their known Enemies.

Can we expect to enjoy our *Magna Charta* long under the same Persons and Administration of Affairs? If the Council Table there can imprison any Nobleman or Gentleman for several years, without bringing him to Tryal, or giving the least reason for what they do; can we expect the same men will preserve the Liberty of the Subject here?

I will acknowledge, I am not well vers'd in the particular Laws of *Scotland*; but this I do know, that all the *Northern* Countries have, by their Laws, an undoubted and inviolable Right to their Liberties and Properties; yet *Scotland* hath out-done all the *Eastern* and *Southern* Countreys, in having their Lives, Liberties and Estates subjected to the Arbitrary Will and Pleasure of those that Govern. They have lately plundered and harraided the richest and wealthiest Countries of that Kingdom, and brought down the barbarous *High-Landers* to devour them; and all this without almost a colourable pretence to do it: Nor can there be found a reason of State for what they have done; but that those wicked Ministers designed to procure a Rebellion at any Rate, which as they managed, was only prevented by the miraculous Hand of God, or otherwise all the Papists in *England* would have been Armed, and the fairest Opportunity given in the just time for the Execution of that wicked and Bloody Design the Papists had; and it is not possible for any man that duely considers it, to think other, but that those Ministers that acted that, were as guilty of the Plot, as any of the Lords that are in question for it.

My Lords, I am forced to speak this the plainer, because, till the pressure be fully and clearly taken off from *Scotland*, 'tis not possible for me, or any *thinking man* to believe that good is meant us here.

We must still be upon our guard, apprehending that the Principle is not changed at Court, and that these men that are still in place and Authority, have that Influence upon the mind of our Excellent Prince, that he is not, nor cannot be that to us, that his own Nature and Goodness would incline him to.

I know your Lordships can order nothing in this, but there are those that hear me, can put a perfect Cure to it; until that be done, the *Scottish Weed* is like Death in the Pot, *Mors in Olla*; But there is something too, now I consider, that most immediately concerns us; their Act of Twenty two thousand Men to be ready to invade us upon all occasions. This, I hear, that the Lords of the Council there have treated as they do all other Lawes, and expounded it into a standing Army of Six thousand men. I am sure we have reason and right to beseech the King that that Act may be better considered in the next Parliament there. I shall say no more for *Scotland* at this time, I am afraid your Lordships will think I have said too much, having no concern there; But if a *French* Noble man should come to dwell in my House and Family, I should think it concern'd me to ask what he did in *France*: for if he were there a Felon, a Rogue, a Plunderer, I should desire him to live elsewhere; and I hope your Lordships will do the same thing for the Nation, if you find the same cause.

My Lords, Give me leave to speak two or three words concerning our other Sister *Ireland*: thither, I hear, is sent *Douglas's* Regiment, to secure us against the *French*. Besides, I am credibly informed, that the Papists have their Arms restored, and the Protestants are not many of them yet recovered from being the suspected Party; the Sea Towns as well as the In-land, are full of Papists: that Kingdom cannot long continue in the *English* Hands, if some better care be not taken of it. This is in your Power, and there is nothing there, but is under your Laws; therefore I beg that this Kingdom at least may be taken in consideration, together with the state of *England*: For I am sure there can be no safety here, if these Doors be not shut up and made sure.

The Honourable Mr. Powel's Speech in the House of Commons, upon the Earl of Danby's Impeachment, Pardon, and Plea.

Mr. Speaker,

I Should have been pleased to have heard (somewhat omitted) needful to have been spoken unto, from some other Member of this House rather than my self; it is concerning the Earl of *Danby*, who stands Impeached by the Commons of *England*, of High Treason.

The Person, to whom we owe the Dangers and Fears of the *French King* against us.

The Person, to whom we owe the Threats and severe Answers to those humble Addresses we made the last Sessions of Parliament.

The Person, to whom we owe the Ruines of this Nation, and Exhausting the King's Revenue.

The Person, to whom we owe the Expence of 200000 *l.* and upwards, within a year, unaccounted for.

The Person, to whom we owe the many Prorogations that hapned in the last Parliament, when many profitable Bills were ready for passing.

The Person, to whom we owe the raising of a standing Army, to be kept up by the Receipt of six Millions of Livres yearly, for three years together, to enslave us and our Religion.

The Person, to whom we owe the late Bone that was thrown in the sitting of the last Parliament, to hinder the good Issue that might have come by their Proceedings; who is now laying down his Staff, and making up his Accounts in the Treasury as he pleaseth, to enrich himself out of the Spoiles of the People, and so depart.

My humble Motion is, that a Message be sent immediately to the Lords from the Commons of *England*, to desire their Lordships, that *Thomas Earl of Danby*, be immediately committed to safe Custody, he being impeached by the Commons of *England* of High Treason.

An

An account of the Acts expired April 2. 1679.

MR. *Palmes* reports from the Committee appointed to inspect the Temporary Laws, that will expire with this Sessions of Parliament, that the Committee had agreed upon a Report which he read in his Place, and afterwards delivered in the same at the Clerks Table, where the same was read, and is as followeth.

13 *Car. 2. C. 8.* An Act for providing necessary Carriages for his Majesty in his Royal Progress and Removals.

13 14 *Carol. 2. C. 2.* An Act for Repairing the High-ways and Sewers, and paving and keeping clean the Streets in and about the Cities of *London* and *Westminster*, and for reforming of Annoyances and Disorders in the Streets of, and Places adjacent to the said Cities, and for the Regulating and Licensing of Hackney-Coaches, and for Enlarging of several streight and inconvenient Streets and Passages.

Ibid. C. 6. An Act for Enlarging and Repairing common High-ways.

Ibid. C. 9. An Act for Relieving of poor and maimed Officers and Souldiers, who have faithfully served his Majesty, and his Royal Father in the late Wars.

Ibid. C. 12. An Act for the better Relieving of the Poor of this Kingdom, excepting what relates unto Corporations mentioned and constituted thereby.

Ibid. C. 20. An Act for providing of Carriage by Land and by Water, for the use of his Majesties Navy and Ordnance.

Ibid. C. 21. An Act for preventing the unnecessary Charge of Sheriffs, and for Ease in passing their Accompts.

Ibid. C. 32. An Act for the Regulating of the Manufacture of Broad Wool-len Cloath, within the West Riding of the County of *York*.

Ibid. C. 33. An Act for preventing Abuses in printing Seditious and Treasonable and Unlicensed Books and Pamphlets, and for regulating of Printing and Printing Presses.

15. *Carol. 2. C. 5.* An Act for Regulating Select Vestryes.

17. *Car. 2. C. 4.* An Act for Continuance of a former Act for regulating the Presses.

18. *Car. 2. C. 2.* An Act against importing Cattel from *Ireland*, and other Parts beyond the Seas, and Fish taken by Foreigners.

F I N I S.